

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: GALLERIA 2425 OWNER, LLC, <i>Debtor.</i>	§ § § § § §	CASE NO: 23-34815 CHAPTER 11
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**OBJECTION TO GALLERIA 2524 OWNER LLC AND 2425 WL, LLC’S
PROPOSED CHAPTER 11 PLAN [DKT. 377]**

Rodney Drinnon (hereinafter “Drinnon”) hereby files this Objection (“Objection”) to Galleria 2524 Owner LLC and 2425 WL, LLC’s Fifth Amended Joint Chapter 11 Plan of Reorganization [Dkt. 377] (the “Plan”) in the above referenced case and states as follows:

BASIS FOR CLAIM

1. Drinnon holds a claim that is partially secured and partially unsecured. Rodney Drinnon’s address is 2000 West Loop S, Ste. 1850, Houston, Texas 77027. His phone number is 832-533-8689. His email address is rdrinnon@mccathernlaw.com

2. Drinnon has a secured claim in the amount of SIXTY-THREE THOUSAND SEVEN HUNDRED AND TWENTY-FIVE DOLLARS AND ZERO CENTRS (\$63,725.00) and an unsecured claim in the amount of TWO HUNDRED AND THIRTEEN THOUSAND SEVEN HUNDRED AND TWENTY-FIVE DOLLARS AND ZERO CENTS (\$213,725.00) arising from a final judgment against Galleria 2425 Owner, LLC executed on February 22, 2024 by the Honorable Christine Weems in Cause No. 2023-22748 *Galleria 2425 Owner, LLC v National Bank of Kuwait, S.A.K.P., New York Branch, et al* in the 281st Judicial District of Harris County, Texas.

3. Drinnon timely filed his proof of claim on February 26, 2024.

GROUND FOR OBJECTION

4. According to 11 U.S.C. § 1128(b), a party in interest may object to the confirmation of a plan. As set forth above, Drinnon holds a final judgment against Debtor and timely filed his proof of claim, becoming both a secured and unsecured creditor against Debtor.

5. Article VI of the proposed Plan divides the claims into nine (9) various classes.

Bad Faith

6. There is no class that includes Drinnon's secured claim. None of the classes contains a description of secured claims that would include Drinnon's claim. This should at least require an amendment or modification.

7. Article VII explicitly states that "All classes are impaired by the Plan... except for Class 1." 11 U.S.C § 1129(a)(10) requires that if a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan has accepted the plan. *In re Dernick*, 624 B.R. 799, 808 (Bankr. S.D. Tex. 2020) (internal quotations omitted). The way this Plan is structured, 2425 WL, LLC is Class 6 on its own and is listed as an Insider under Exhibit A to the Plan.¹ Under 11 U.S.C. § 1126(c), a plan is accepted by a class of claims if "at least one-half of the claims holding two-thirds of the total dollar amount ... vote in favor." *Id.* Therefore, 2425 WL, LLC can accept the Plan and it meets the requirements of Section 1126.

8. The good faith requirement was designed to eliminate those "obstructive tactics and holdup techniques" employed by some creditors to secure an unfair advantage through acceptance or rejection of the plan. *In re Landing Assocs., Ltd.*, 157 B.R. 791, 802 (Bankr. W.D. Tex. 1993) (citing *Young v. Higbee Co.*, 324 U.S. 202, 212 n. 10 (1945)). The Plan as outlined is prohibited

¹ An inference of bad faith might be stronger where a debtor creates an impaired accepting class out of whole cloth by incurring a debt with a related party, particularly if there is evidence that the lending transaction is a sham. *In re Vill. at Camp Bowie I, L.P.*, 710 F.3d 239, 248 (5th Cir. 2013).

and is in bad faith as 2425 WL, LLC is one of those entities who filed this Plan, violating 11 U.S.C. § 1129(b)(2)(A) as well as leaving out multiple secured creditors,² including Drinnon.

Best Interest

9. 11 U.S.C. § 1129(a)(7)(A)(ii) states that each holder of a claim will receive or retain under the plan on account of such claim or interest property of a value, as of the effective date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under Chapter 7 of this title on such date. *In re Landing Assocs., Ltd.*, 157 B.R. 791, 818 (Bankr. W.D. Tex. 1993).

10. As Drinnon's secured claim is not listed, Drinnon would fare better under liquidation because of the Plan's silence.

11. Therefore, in light of the omittance of a class of claims and the claim of 2425 WL, LLC, an Insider, is in its own class, the Plan on its face is not feasible, filed in bad faith, and should be denied. Further, Drinnon incorporates by reference the objections of Arin-Air, Inc. [Dkt. No. 410] and National Bank of Kuwait, S.A.K.P. New York Branch's Objections [Dkt. No. 457].

WHEREFORE, Creditor Rodney Drinnon respectfully prays that the Court deny confirmation of the Plan and all other relief to which he is justly entitled.

Respectfully submitted,

MCCATHERN HOUSTON

By: /s/ Rodney L. Drinnon
Rodney L. Drinnon
Federal Bar No. 6059446
Texas Bar No. 24047841
rdrinnon@mccathernlaw.com
2000 West Loop S., Suite 1850
Houston, Texas 77027
Tel. (832) 533-8689
Fax (832) 213-4842

² See Dkt. No. 410 by Arin-Air, Inc.

ATTORNEY FOR RODNEY DRINNON

OF COUNSEL:

McCATHERN HOUSTON

David L. Clark
dclark@mccathernlaw.com
Texas Bar No. 24036367
Federal Bar No. 613938
2000 West Loop South, Suite 1850
Houston, TX 77027
Tel. (832) 533-8689
Fax (832) 213-4842

CERTIFICATE OF SERVICE

The undersigned certifies that on June 10, 2024, a true and correct copy of this document was served via the Court's CM/ECF system on the Chapter 11 Trustee, the Debtor's counsel of record and all others who are deemed to have consented to ECF electronic service, and by mailing, first class, postage prepaid, to each of the parties on the attached mailing matrix.

/s/Rodney L. Drinnon
Rodney L. Drinnon

Label Matrix for local noticing
0541-4
Case 23-34815
Southern District of Texas
Houston
Mon Jun 3 15:55:13 CDT 2024

City of Houston
Linebarger Goggan Blair & Sampson LLP
c/o Tara L. Grundemeier
PO Box 3064
Houston, TX 77253-3064

Hayward PLLC
c/o Melissa Hayward
10501 N. Central Expy., Ste. 106
Dallas, TX 75231-2203

National Bank of Kuwait, S.A.K.P., New York

2425 West Loop, LLC
2000 Hughes Landing Blvd., Suite 815
The Woodlands, Texas 77380-4142

Arin-Air, Inc.
5710 Brittmoore Rd. #13
Houston, TX 77041-5627

CFI Mechanical, Inc
6109 Brittmoore Rd
Houston, TX 77041-5610

Cirro Electric
PO Box 60004
Dallas, TX 75266

Comcast
PO Box 60533
City of Industry, CA 91716-0533

Ferguson Facilities Supplies
PO Box 200184
San Antonio, TX 78220-0184

2425 WL, LLC
2425 West Loop South 11th floor
Houston, TX 77027-4304

Galleria 2425 Owner, LLC
1001 West Loop South 700
Houston, TX 77027-9084

Houston Community College System
Linebarger Goggan Blair & Sampson LLP
c/o Tara L. Grundemeier
PO Box 3064
Houston, TX 77253-3064

4
United States Bankruptcy Court
PO Box 61010
Houston, TX 77208-1010

ADT
PO Box 382109
Pittsburgh, PA 15251-8109

Ash Automated Control Systems, LLC
PO Box 1113
Fulshear, TX 77441-2013

CNA Insurance Co
PO Box 74007619
Chicago, IL 60674-7619

City of Houston
PO Box 1560
Houston, TX 77251-1560

Datawatch Systems
4520 East West Highway 200
Bethesda, MD 20814-3382

Firetron
PO Box 1604
Stafford, TX 77497-1604

CC2 TX, LLC
c/o Howard Marc Spector
Spector & Cox, PLLC
12770 Coit Road Suite 850
Dallas, TX 75251-1364

(p)HARRIS COUNTY ATTORNEY'S OFFICE
P O BOX 2928
HOUSTON TX 77252-2928

Houston ISD
Linebarger Goggan Blair & Sampson LLP
c/o Tara L. Grundemeier
PO Box 3064
Houston, TX 77253-3064

2425 WL, LLC
13498 Pond Springs Rd.
Austin, TX 78729-4422

Ali Choudhry
1001 West Loop South 700
Houston, TX 77027-9084

CC2 TX, LLC
14800 Landmark Blvd., Suite 400
Dallas, TX 75254-7598

Caz Creek Lending
118 Vintage Park Blvd No. W
Houston, TX 77070-4095

City of Houston
c/o Tara L. Grundemeier
Linebarger Goggan Blair & Sampson LLP
PO Box 3064
Houston, TX 77253-3064

Environmental Coalition Inc
PO Box 1568
Stafford, TX 77497-1568

(p)FIRST INSURANCE FUNDING
450 SKOKIE BLVD SUITE 1000
NORTHBROOK IL 60062-7917

Gulfstream Legal Group
1300 Texas St
Houston, TX 77002-3509

H.N.B. Construction, LLC
c/o Malcolm D. Dishongh
PO Box 2347
Humble, TX 77347-2347

HNB Construction, LLC
521 Woodhaven
Ingleside, TX 78362-4678

Hayward PLLC
c/o Melissa S. Hayward
10501 N. Central Expy., Ste. 106
Dallas, TX 75231-2203

Houston Community College System
c/o Tara L. Grundemeier
Linebarger Goggan Blair & Sampson LLP
PO Box 3064
Houston, TX 77253-3064

Houston ISD
c/o Tara L. Grundemeier
Linebarger Goggan Blair & Sampson LLP
PO Box 3064
Houston, TX 77253-3064

Jetall Companies, Inc
1001 West Loop South Ste 700
Houston, TX 77027-9033

Kings 111 Emergency Communications
751 Canyon Drive, Suite 100
Coppell, TX 75019-3857

Lexitas
PO Box Box 734298 Dept 2012
Dallas, TX 75373-4298

Lloyd E. Kelley
2726 Bissonnet Suite 240
Houston, TX 77005-1352

Logix Fiber Networks
PO Box 734120
Dallas, TX 75373-4120

MacGeorge Law Firm
2921 E 17th St Bldg D Suite 6
Austin, TX 78702-1572

Mueller Water Treatment
1500 Sherwood Forest Dr.
Houston, TX 77043-3899

Naissance Galleria, LLC
c/o Law Office of Nima Taherian
701 N. Post Oak Rd. Ste 216
Houston, TX 77024-3868

National Bank of Kuwait
299 Park Ave. 17th Floor
New York, NY 10171-0023

Nationwide Security
2425 W Loop S 300
Houston, TX 77027-4205

Nichamoff Law Firm
2444 Times Blvd 270
Houston, TX 77005-3253

Rodney L. Drinnon
2000 West Loop S, Ste. 1850,
Houston, Texas 77027-3744

TKE
3100 Interstate North Cir SE 500
Atlanta, GA 30339-2296

U.S. Trustee's Office
515 Rusk, Suite 3516
Houston, Texas 77002-2604

US Retailers LLC d/b/a Cirro Energy
Attention: Bankruptcy Department
PO Box 3606
Houston, TX 77253-3606

US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002-2604

Waste Management
PO Box 660345
Dallas, TX 75266-0345

Zindler Cleaning Service Co
2450 Fondren 113
Houston, TX 77063-2314

Ali Choudhri
24256 West Loop South
11th Floor
Houston, TX 77027

Christopher R Murray
Jones Murray LLP
602 Sawyer St
Ste 400
Houston, TX 77007-7510

James Q. Pope
The Pope Law Firm
6161 Savoy Drive
Ste 1125
Houston, TX 77036-3343

Reese W Baker
Baker & Associates
950 Echo Lane
Suite 300
Houston, TX 77024-2824

Rodney Drinnon
McCathern Houston
2000 W Loop S
Ste. 1850
Houston, TX 77027-3744

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Harris County, ATTN: Property Tax Division
Harris County Attorney's Office
P.O. Box 2928
Houston, TX 77252-2928 United States

First Insurance Funding
450 Skokie Blvd
Northbrook, IL 60062

(d)Harris County Tax Assessor
PO Box 4622
Houston, TX 77210

(d)Harris County, et al
PO Box 2928
Houston, TX 77252

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)2425 West Loop, LLC

(u)Sonder USA Inc.

(d)Arin-Air, LLC
5710 Brittmoore Rd. #13
Houston, TX 77041-5627

(du)Sonder USA Inc.

(u)Azeemeh Zaheer

(u)Jack Rose

End of Label Matrix	
Mailable recipients	58
Bypassed recipients	6
Total	64